

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JOSEPH E. MATHEWS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIV. ACT. NO. 1:19-cv-38-ECM
	)	(WO)
RICK SUTTON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION and ORDER**

On October 5, 2022, the Magistrate Judge entered a Recommendation that this case be dismissed without prejudice. (Doc. 10). Objections to the Recommendation were due no later than October 19, 2022. On October 21, 2022, the Court entered a memorandum opinion and final judgment dismissing this case. (Docs. 11 and 12). On October 27, 2022, and November 7, 2022, the Plaintiff submitted letters to the Court which the Court construes as objections to the Recommendation. (Docs. 13 and 14). Accordingly, in order to consider the Plaintiff's objections, it is

ORDERED that the final judgment (doc. 12) and memorandum opinion (doc. 11) entered on October 21, 2021 are VACATED.

When a party objects to a Magistrate Judge's Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). The district court "may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions." Fed.

R. Civ. P. 72(b)(3). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge's Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992) (“[w]henver any party files a timely and specific objection to a finding of fact by a magistrate, the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”) (quoting *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988)). Otherwise, a Report and Recommendation is reviewed for clear error.

The Court has reviewed the Plaintiff's objections wherein he reiterates the claims presented in the amended complaint. Due to the lack of specificity in the Plaintiff's objections, the Court undertook a review of the Plaintiff's Objections under the clear error standard. The Plaintiff does not point to any error committed by the Magistrate Judge, but instead re-offers a recitation of the claims made in his amended complaint. The Court finds that the well-reasoned Recommendation of the Magistrate Judge effectively addresses the Plaintiff's claims. Accordingly, upon an independent review of the file in this case and for good cause, it is

ORDERED as follows that:

1. the Plaintiff's objections (docs. 13 and 14) are OVERRULED;
2. the Recommendation of the Magistrate Judge (doc. 10) is ADOPTED; and
3. this case is DISMISSED without prejudice.

A separate Final Judgment will be entered.

Done this 4th day of January, 2023.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE